

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO
APR 27 2021
MITCHELL R. ELFERS
CLERK OF COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CR 16-0580-002 RB

MIGUEL ANGEL RODRIGUEZ-FLORES,

Defendant.

MEMORANDUM OPINION AND ORDER


THIS MATTER comes before the Court on Mr. Rodriguez-Flores's Supplemental Motion for Compassionate Release, filed on April 5, 2021. (Doc. 226.) Mr. Rodriguez-Flores seeks compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i) due to his serious health conditions and the threat of COVID-19. (*See id.* at 1.) The Government agrees that Mr. Rodriguez-Flores has "fully exhausted all administrative rights to appeal" the Bureau of Prison's (BOP) denial of his request for compassionate release. (*See* Doc. 228 at 6.) *See also* 18 U.S.C. § 3582(c)(1)(A). It asked the Court to deny his motion, however, because the "BOP has approved [him] for home confinement . . . with an anticipated placement in late April." (*Id.* at 1, 4.) Mr. Rodriguez-Flores urged the Court to grant his motion rather than wait on the BOP process. (*See* Doc. 229.)

After this matter was fully briefed, the Government filed a supplemental notice to alert the Court that "Mr. Rodriguez-Flores's anticipated transfer to home confinement has been adjusted to a date within the first two weeks of May 2021 to accommodate a required post-contact quarantine period after he recently had contact with a person who later tested positive for COVID-19." (*See* Doc. 230.) As Mr. Rodriguez-Flores's release to home confinement is imminent, and because this Court would also require a 14-day quarantine period followed by a negative COVID-19 test had it

granted his motion for compassionate release, the Court finds it unnecessary to intervene at this time. The Court will deny the motion as moot. Mr. Rodriguez-Flores may file a motion to reconsider if the circumstances change.

THEREFORE,

IT IS ORDERED that Mr. Rodriguez-Flores's Supplemental Motion for Compassionate Release (Doc. 226) is **DENIED AS MOOT**.



ROBERT C. BRACK
SENIOR U.S. DISTRICT JUDGE